

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 06-506 (DSD/AJB)

Jerry Boitnott,

Petitioner,

v.

ORDER

David Crist, Warden,

Respondent.

This matter is before the court upon petitioner's objections to the report and recommendation of Magistrate Judge Arthur J. Boylan dated February 17, 2006. In his report, the magistrate judge concluded that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 should be dismissed without prejudice.

The court reviews the reports and recommendations of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). The court finds that the report and recommendation of the magistrate judge is well-reasoned and correctly disposes of petitioner's claim. Therefore, the court adopts the report and recommendation of the magistrate judge in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 [Doc. No. 1] is denied.

2. Petitioner's motion for appointment of counsel [Doc. No. 2] is denied.

3. This action is dismissed without prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 17, 2006

s/David S. Doty
David S. Doty, Judge
United States District Court